

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

GinA,)
)
 Plaintiff,)
)
 v.) Docket no. 1:16-cv-100-GZS
)
 CITY OF AUGUSTA, et al.,)
)
)
 Defendants.)

ORDER ON PENDING MOTIONS AND FINAL COK WARNING

Before the Court are two motions: (1) Plaintiff's Motion to Vacate Order and Reopen Case (ECF No. 23) and (2) Plaintiff's Second Petition for Court-Appointed Attorney (ECF No. 24). The Court DENIES both motions as meritless.

The Court notes that a judgment of dismissal (ECF No. 22) was entered on May 24, 2016 following the Court's May 24, 2016 Order (ECF No. 20), which concluded that the matter was subject to dismissal under 28 U.S.C. § 1915(e)(2)(B). While Plaintiff's Motion to Vacate seeks to have the Court vacate Judge Torresen's May 2, 2016 Order, that endorsement order was vacated the same day it was entered. See ECF No. 19. The Court notes that the time for any appeal of the May 24, 2016 actions by the district court passed long before Plaintiff made her pending November 23, 2016 filings.

Having been newly assigned this case and having reviewed the entire docket, the Court concludes that this action fails to state any claim on which relief may be granted and that the complaint and pending motions are frivolous. As a result, the Court finds this matter is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) and there is no apparent basis for reopening this case.

The Court hereby provides a final Cok warning to Plaintiff GinA that any further frivolous filings on this docket or with this Court will result in immediate filing restrictions being imposed and may result in additional sanctions. See generally Cok v. Family Court of Rhode Island, 985 F.2d 32 (1st Cir. 1993) (requiring that the Court warn any litigant before restricting the litigant's ability to file). By way of explanation, frivolous filings waste judicial resources and unnecessarily delay the resolution of matters within this Court's jurisdiction. Based upon the Court's review of multiple meritless actions GinA has brought before this Court in 2016, it is apparent that she has become an abusive litigant. See D. Me Docket #s 1:16-cv-95-GZS, 1:16-cv-100-GZS, 1:16-cv-220-NT, 1:16-cv-222-NT, 1:16-cv-224-NT, 1:16-cv-225-NT.

For the reasons just stated, the pending motions (ECF Nos. 23 & 24) are DENIED. Additionally, the Court certifies that any appeal from this Order would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3) & Fed. R. App. P. 24(a)(3).

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 30th day of November, 2016.